

### **III. REMARKS**

In the Office Action, Claims 1-5, 7-13, 15-19 and 20-22 were rejected under 35 U.S.C. 103 as being unpatentable over Davis (US 7010144) in view of Gindele (US 6636646), and claims 6 and 14 were rejected under 35 U.S.C. 103 as being unpatentable over Davis in view of Gindele and Shimizu (US 6,515,271) for reasons set forth in the Office Action.

The independent claims 1 and 11 are amended to emphasize a distinction between the teachings of the cited art and the subject matter of the present claims. Claim 10 is cancelled in view of the inclusion substantially of its subject matter in amended claim 1. Claim 18 is cancelled in view of the inclusion substantially of its subject matter in amended claim 11.

The following argument is presented to distinguish the present claims from the teachings of the cited art, thereby to overcome the foregoing rejections and to show the presence of allowable subject matter in the claims.

The scope of the amended independent claims has been limited to a solution in which statistical data is used for adjusting an image sensor of a camera module for generating a next image, This limitation is supported by the present specification, for example, in page 7, at lines 1-5. Furthermore, the limitation is part of the subject matter of dependent claims 10 and 18, which have been cancelled.

The cited prior art does not teach the solution recited in the amended independent claims 1 and 11. In order to obtain the solution recited in the amended independent claims, a skilled person would need to combine the teaching of Gindele, presented under title "General description of an internal-based digital imaging system application", to the teaching of Gindele under title "General description of a camera exposure system

application" in a certain way. It should be noted that the above-mentioned teachings of Gindele can be combined also in such a way that a resulting technical solution will differ from the solution recited in the present amended independent claims. The cited prior art does not give to a skilled person any motivation to combine the teachings of Gindele for obtaining a solution that would correspond with the solution recited in the amended independent claims of the present application.

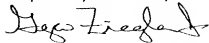
The amendment to claim 1 specifically calls for collecting statistical data from the image data, and for using the statistical data for adjusting the image sensor for generating image data for a next image. The passages cited by the examiner in Gindele relate to the use of a light sensor for adjusting aperture or exposure time of a picture being photographed. There is no teaching of a statistical analysis of an image to provide image data for a future image. A similar observation applies to the subject matter of amended claim 11.

In view of the foregoing observation, the cited prior art, coupled with the knowledge generally available in the art at the time of invention, does not contain any suggestion or incentive that would motivate a skilled person to modify the teaching of the cited references in such a way that the technical solution recited in the amended independent claims would be obtained.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for the RCE fee (\$790) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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17 April 2007

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I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 17 April 2007

Signature: 

Lisa Shimizu

Person Making Deposit